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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON

9 CASCADE PENSION TRUST,
10 et al.,

O R D E R
Civ. No. 07-6262-AA

11 Plaintiff,

12 vs.

13 NEW PATH RENEWABLES, INC.,

14 Defendant.

15 AIKEN, Judge:

16 Plaintiffs' move for entry of default judgment and for
17 attorneys' fees and costs. Those motions are granted.

18 DISCUSSION

19 Pursuant to Fed. R. Civ. P. 55(b) and this court's December
20 10, 2007, Order granting plaintiffs' motion for order of default
21 and accounting, plaintiffs' motion for default judgment is
22 granted in the amounts specified in plaintiffs' motion for
23 default judgment, p. 2.

24 Plaintiffs have also moved for attorneys' fees and costs.
25 A determination of a reasonable attorney's fee begins with the
26 "lodestar," which is the "number of hours reasonably expended on
27 the litigation multiplied by a reasonable hourly rate."
28 Pennsylvania v. Delaware Valley Citizens' Council for Clean Air,

1 478 U.S. 546, 563-64 (1986). Plaintiff carries the burden of
2 proving the lodestar. Id. The factors considered to determine
3 the lodestar figure include: (1) the time and labor required; (2)
4 the novelty and difficulty of the questions; (3) the skill
5 required; (4) the preclusion of other employment by the attorney;
6 (5) the customary fee; (6) whether the fee is fixed or
7 contingent; (7) time limitations imposed by the client or the
8 circumstances; (8) the amount involved and the results obtained;
9 (9) the experience, reputation and ability of the attorneys, (10)
10 the "undesirability" of the case; (11) the nature and length of
11 the professional relationship with the client; and (12) awards in
12 similar cases. Kerr v. Screen Extras Guild, 526 F.2d 67, 70 (9th
13 Cir. 1975), cert. denied, 425 U.S. 951 (1976). Only those
14 factors which are applicable need be addressed. Sapper v. Lenco
15 Blade, Inc., 704 F.2d 1069 (9th Cir. 1983). Moreover, there is
16 a strong presumption that the lodestar figure represents a
17 reasonable fee. Miller v. Los Angeles County Bd. of Educ., 827
18 F.2d 617, 621 (9th Cir. 1987). I find no grounds supporting a
19 upward or downward departure, or a multiplier.

20 Using the "lodestar" method to determine reasonable fees,
21 and pursuant to Fed. R. Civ. P. 54(d), 29 U.S.C. § 1132, and the
22 contract at issue, plaintiffs' motion for attorneys' fees and
23 costs is granted. Plaintiffs are awarded a total of \$6,731 in
24 fees, \$109.21 in expenses, and \$405 in costs, for a total award
25 of \$7,245.21.

26 CONCLUSION

27 Plaintiff's motion for default judgment (doc. 10) is
28 granted. Further, plaintiffs' motion for attorneys' fees and

1 costs (doc. 13) is granted. Plaintiffs are awarded \$6,731 in
2 attorneys' fees, \$109.21 in expenses, and \$405 for costs for a
3 total award of \$7,245.21.

4 IT IS SO ORDERED.

5 Dated this 26 day of February 2008.
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9 /s/ Ann Aiken
10 Ann Aiken
United States District Judge
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